

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **25 OCTOBER 2004 (25.10.2004)**

Applicant's or agent's file reference FE241483	FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/KR2004/001851	International filing date (day/month/year) 23 JULY 2004 (23.07.2004)	Priority date(day/month/year) 24 JULY 2003 (24.07.2003)
International Patent Classification (IPC) or both national classification and IPC IPC7 H04B 7/26		
Applicant UTStarcom Korea Limited et al		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer SHIN, Jun Ho
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Telephone No. 82-42-481-8129



WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/KR2004/001851

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

a sequence listing
 table(s) related to the sequence listing

b. format of material

in written format
 in computer readable form

c. time of filing/furnishing

contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
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International application No.

PCT/KR2004/001851

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1 - 13</u>	YES
	Claims	<u>NONE</u>	NO
Inventive step (IS)	Claims	<u>NONE</u>	YES
	Claims	<u>1 - 13</u>	NO
Industrial applicability (IA)	Claims	<u>1 - 13</u>	YES
	Claims	<u>NONE</u>	NO

2. Citations and explanations :

Reference is made to the following document:

D1: JP 07-274240 (20 October 1995)

D1, which is considered to represent the closest prior art, discloses a communication system in which a host computer side recognizes where a portable terminal equipment exists. The portable terminal equipment includes a radio transceiver for communicating with a radio master station which is connected to the host computer, a receiver for receiving signals from beacon oscillators. A position signal of each beacon oscillator received by the receiver and an identification signal of the portable terminal equipment are transmitted to the host computer via the radio transceiver and the radio master station (D1, abstract). The host computer recognizes the position of the portable terminal equipment by the transmitted signals (D1, paragraph [0009]).

The subject matter of claim 1 differs from that of D1 in that the system of said claim uses a pilot strength measurement message (PSMM) signal. However, it is obvious to a person skilled in the communication system to use a PSMM signal. Therefore, claim 1 is considered to lack an inventive step.

The additional features of dependant claims 2-8 are simple design details which are well known to a person skilled in the CDMA communication system. Therefore, claims 2-8 are considered to lack an inventive step.

Claim 9 relates to a method using the system of claim 1. Therefore, claim 9 is considered to lack an inventive step (see claim 1).

The additional features of dependant claims 10-13 are simple design details which are well known to a person skilled in the CDMA communication system. Therefore, claims 10-13 are considered to lack an inventive step.